

REMARKS

The Official Action mailed October 26, 2007, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on December 20, 1999; December 13, 2000; December 22, 2000; September 7, 2001; May 10, 2002; October 3, 2002; March 3, 2003; April 2, 2003; October 2, 2003; December 16, 2003; November 1, 2004; and October 17, 2005.

Claims 1-42 were pending in the present application prior to the above amendment. Claims 11, 15, 19, 25-36, 41 and 42 have been canceled without prejudice or disclaimer. Accordingly, claims 1-10, 12-14, 16-18, 20-24 and 37-40 are pending, of which claims 1, 8, 13 and 17 are independent. Independent claims 1, 8, 13 and 17 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1, 2, 4-8, 10, 12-14, 16-18, 20-27, 29, 31-33, 35 and 36 as obvious based on the combination of U.S. Patent No. 4,851,363 to Troxell and U.S. Patent No. 4,954,855 to Mimura. The Official Action rejects claims 3, 9, 11, 15, 19, 28, 30, 34 and 37-42 as obvious based on the combination of Troxell, Mimura, as applied to claims 1, 2, 4-8, 10, 12-14, 16-18, 20-27, 29, 31-33, 35 and 36 and U.S. Patent No. 5,506,064 to Tamai and U.S. Patent No. 5,629,245 to Inushima. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second,

there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. The Official Action concedes that "the silicon oxide insulating film [of Troxell] does not have halogen and carbon (which are about zero)" (page 2, Paper No. 20071022). Independent claims 1, 8, 13 and 17 have been amended to recite that an insulating film is formed by using a gas which contains an organic silane and a halogen containing gas. That is, the independent claims positively recite the use of a halogen containing gas. Troxell does not teach or suggest the above-referenced features of the present invention.

Mimura, Tamai and Inushima do not cure the deficiencies in Troxell. Mimura is relied upon to allegedly teach "that silicon oxide can be made by plasma CVD" (Id.). Tamai is relied upon to allegedly teach "that carbon can be detected by second ion mass spectroscopy" (page 3, Id.). Inushima is relied upon to allegedly teach "that insulating film can be formed by plasma CVD using an organic silane" (Id.). However, Troxell, Mimura, Tamai and Inushima, either alone or in combination, do not teach or suggest that an insulating film is formed by using a gas which contains an organic silane and a halogen containing gas.

Since Troxell, Mimura, Tamai and Inushima do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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